

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS PROPERTY CASUALTY COMPANY OF
AMERICA a/s/o Ethical Culture Fieldston School and Ethical
Culture Fieldston,

CIVIL ACTION NO.
CV 07-11178 (SHS)

Plaintiff,
-against-

TISHMAN CONSTRUCTION CORPORATION OF NEW
YORK, JOHN CIVETTA & SONS, INC., AMBROSINO,
DEPINTO, SCHMIEDER CONSULTING ENGINEERS,
P.C., MUÑOZ ENGINEERING & LAND SURVEYING,
P.C., COOPER, ROBERTSON & PARTNERS, LLP, and
LANGAN ENGINEERING & ENVIRONMENTAL
SERVICES, INC.

Defendants.

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**DEFENDANT LANGAN ENGINEERING & ENVIRONMENTAL
SERVICES INC., P.C.'S ANSWER TO CROSS-CLAIMS OF
DEFENDANT TISHMAN CONSTRUCTION CORPORATION OF NEW YORK WITH
CROSS-CLAIM**

Defendant, Langan Engineering and Environmental Services Inc., P.C. ("Langan"), improperly sued herein as Langan Engineering and Environmental Services, Inc., by its attorneys, Sedgwick, Detert, Moran & Arnold LLP, as and for its Answer to the Cross-Claims of Defendant, Tishman Construction Corporation of New York ("Tishman"), alleges upon information and belief as follows:

**ANSWERING THE FIRST CROSS-CLAIM AGAINST CO-DEFENDANTS
(COMMON LAW INDEMNIFICATION)**

FIRST: Langan denies the allegations contained in Paragraph 10 to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10.

SECOND: Langan denies the allegations contained in Paragraph 11 to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11.

**ANSWERING THE SECOND CROSS-CLAIM AGAINST CO-DEFENDANTS
(CONTRIBUTION)**

THIRD: Langan denies the allegations contained in Paragraph 12 to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12.

FOURTH: Langan denies the allegations contained in Paragraph 13 to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13.

**ANSWERING THE THIRD CROSS-CLAIM AGAINST CO-DEFENDANTS
(CONTRACTUAL INDEMNIFICATION)**

FIFTH: Langan denies the allegations contained in Paragraph 14 to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14.

SIXTH: Langan denies the allegations contained in Paragraph 15 to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15.

ANSWERING THE FOURTH CROSS-CLAIM AGAINST CO-DEFENDANTS

SEVENTH: Langan denies the allegations contained in Paragraph 16 to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16.

EIGHTH: Langan denies the allegations contained in Paragraph 17 to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17.

NINTH: Langan denies the allegations contained in Paragraph 18 to the extent they are directed against it, otherwise, Langan lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18.

FIRST AFFIRMATIVE DEFENSE

TENTH: Langan hereby incorporates and adopts by reference each and every applicable Affirmative Defense asserted in its Answer to the Complaint of Plaintiff, Travelers Property Casualty Company of America.

SECOND AFFIRMATIVE DEFENSE

ELEVENTH: The Cross-Claims fail to state a cause of action upon which relief may be granted.

THIRD AFFIRMATIVE DEFENSE

TWELFTH: Langan pleads the failure to join necessary parties, and the intervening negligence and intervening causation of persons not a party to this action as a partial or complete bar to all causes of action asserted in the Cross-Claims.

FOURTH AFFIRMATIVE DEFENSE

THIRTEENTH: Langan will rely upon any and all other further defenses that become available or appear during discovery proceedings in this action and Langan hereby specifically reserve the right to amend its Answer to the Cross-Claims for the purposes of asserting any such additional affirmative defense.

**AS AND FOR A CROSS-CLAIM FOR CONTRIBUTION
AND/OR INDEMNIFICATION AGAINST DEFENDANT
TISHMAN CONSTRUCTION CORPORATION OF NEW YORK**

FOURTEENTH: If Plaintiff sustained damages in the manner alleged in the Complaint, all of which is denied by Langan, such damages were caused in whole or in part by reason of the negligence and/or culpable conduct by Tishman and/or other parties, and not as a result of any negligence or culpable conduct on the part of Langan.

FIFTEENTH: By reason of the foregoing, Langan is entitled to indemnification and/or contribution from, and to have judgment over and against, Tishman, for all or part of any verdict or judgment that Plaintiff may recover against Langan, including any and all attorneys' fees, costs and disbursements incurred by Langan.

WHEREFORE, the Defendant, Langan Engineering and Environmental Services Inc., P.C., improperly sued herein as Langan Engineering and Environmental Services, Inc., hereby demands judgment dismissing the cross-claims of Defendant, Tishman Construction Corporation of New York, or in the event Plaintiff recovers a judgment against Langan, then Langan demands judgment over against Tishman, together with attorneys' fees, costs and disbursements of this action and such other and further relief as the Court deems just and proper.

Dated: New York, New York
March 20, 2008

Yours, etc.,

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: 

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CERTIFICATE OF SERVICE

I, Gilbert L. Lee, hereby certify and affirm that a true and correct copy of the attached **ANSWER TO CROSS-CLAIMS OF DEFENDANT TISHMAN CONSTRUCTION CORPORATION OF NEW YORK WITH CROSS-CLAIM** was served ECF and Regular Mail on March 20, 2008, upon the following:

To: Robert C. Sheps, Esq.
Sheps Law Group, P.C.
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Dated: New York
March 20, 2008



GILBERT L. LEE (GL-4014)